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EC-2

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

August 4, 1997

Daniel Chisholm, Forest Supervisor
Mendocino National Forest
825 N. Humboldt Avenue
Willows, CA 95988

Dear Mr. Chisholm:

The Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the project entitled **Pest Management for Chico Genetic Resource Center**. Our review is pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

The Forest Service proposes to manage pests at the Chico Genetic Resource Center using an Integrated Pest Management approach. Four alternatives have been developed: no pest management; no inorganic pesticides; Integrated Pest Management; and pest management emphasizing maximum seed and seedling production.

EPA commends the Forest Service for its efforts in developing an Integrated Pest Management plan to respond to the unique needs of seed orchards such as the Chico Genetic Resource Center. We concur that the Integrated Pest Management plan outlined in the DEIS should provide the flexibility necessary to respond to the variety of foreseeable pest management issues.

However, EPA is concerned about data gaps in the DEIS' analysis of water quality impacts. These data gaps undermine the value of the NEPA documentation in determining whether Alternatives C and D conform to the requirements of the applicable Basin Plan. EPA recommends that the information on pages 3-52 through 3-54 be augmented to fill existing data gaps, and that the DEIS state directly whether Alternatives C and D will conform to the applicable Basin Plan.

Based on this concern, EPA has classified this DEIS as category EC-2, Environmental Concerns--Insufficient Information (see attached "Summary of the EPA Rating System"). We appreciate the opportunity to review this DEIS. Please send a single copy of the Final EIS to this office at the same time it is officially filed with our Washington, D.C. office. If you have questions, please call Leonidas Payne of my staff at (415) 744-1571.

Sincerely,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

David J. Farrel, Chief
Federal Activities Office

cc: RWQCB, Central Valley Region

Attachments:

Rating Sheet
Specific Comments
Pollution Prevention Checklists
Cumulative Effects Guidance

Specific Comments

1. The "purpose" section should be revised to state that the purpose is to "analyze methods to control pests at the Chico Genetic Resource Center." The specific reference to Integrated Pest Management in the purpose section should be removed to avoid the appearance that the decision to adopt an Integrated Pest Management strategy, as opposed to other types of pest control strategies, has already been made.

2. It is not appropriate for the "no pest management" alternative to be considered the "no action" alternative for purposes of the NEPA analysis. CEQ noted the distinction between proposals for new actions and proposals to continue ongoing actions in its "40 Questions" guidance. In that guidance, CEQ stated that, with respect to ongoing programs,

"no action" is "no change" from current management direction or level of management intensity. To construct an alternative that is based on no management at all would be a useless academic exercise. Therefore, the "no action" alternative may be thought of in terms of continuing with the present action until that action is changed.

Pest management at the Chico Genetic Resource Center is an ongoing action. Accordingly, the "no action" alternative should analyze the environmental impacts of the current pest management strategy. It may be appropriate for a "no pest management" alternative to be retained as a separate alternative if the ID Team believes that "no pest management" is a reasonable pest management strategy at this site; otherwise it should be discussed briefly in an "Alternatives Considered but Eliminated from Further Study" section.

3. Federal agencies are required to comply with applicable State water pollution control requirements under the Clean Water Act (CWA). Basin Plans developed by the California Regional Water Quality Control Boards (and approved by EPA under authority of the CWA) contain specific requirements on toxicity and pesticides. The DEIS fails to state whether Alternatives C and D are consistent with the applicable Basin Plan. In cases where data gaps exist, it is appropriate for lead agencies to undertake additional analysis so that reviewers and decisionmakers will have all the necessary information to determine whether a proposed plan is consistent with water quality objectives.

4. 40 CFR 82.84 stipulates that the procurement regulations of each Federal agency provide that, "... in place of class I or class II substances, or of products made with or containing such substances, safe alternatives identified under 42 U.S.C. 7671K . . . shall be substituted to the maximum extent practicable." (underline added). EPA recommends that the FEIS outline actions which will be taken to substitute safe alternatives for Class I or Class II substances.